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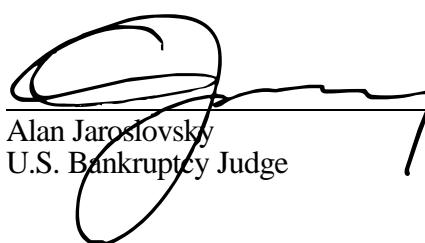
7 UNITED STATES BANKRUPTCY COURT  
8 NORTHERN DISTRICT OF CALIFORNIA

9 In re  
10 CHRISTINE ELIZABETH OLIVAS, No. 07-10319  
11 Debtor(s).  
12 \_\_\_\_\_ /  
13 Memorandum on Motion to Extend Stay

14 The court agrees with *In re Whitaker*, 341 B.R. 336 (Bkrcty.S.D.Ga.2006), that under §  
15 362(c)(3)(B) of the Bankruptcy Code the court cannot extend the automatic stay for a repeat filer after it has  
16 expired. The court also agrees that in an appropriate case § 105(a) of the Code may be invoked to give the  
17 debtor relief which replaces, at least in part, the protection lost when the automatic stay expired. However,  
18 the court does not agree that such relief can be granted by motion; FRBP 7001(7) requires an adversary  
19 proceeding for such equitable relief.

20 The debtor's motion to extend the automatic stay will accordingly be denied, without prejudice to an  
21 adversary proceeding. Any party may submit an appropriate form of order.

22  
23 Dated: April 26, 2007

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Alan Jaroslovsky  
U.S. Bankruptcy Judge